

CHAPTER 51  
WATER PERMIT OR REGISTRATION—WHEN REQUIRED

[Prior subject matter INRC rule 3.1]  
[Prior to 12/3/86, Water, Air and Waste Management[900]]

**567—51.1(455B) Scope of chapter.** This chapter contains thresholds which explain when a water permit or registration is required for withdrawal, diversion or storage of water.

**567—51.2(455B) Storage (surface).** A permit shall be required for the storage of 18 acre-feet or more of water in permanent storage. No such permit shall be granted by the department prior to issuance of a department order approving the plans and specifications for the impounding structure. No water storage permit from the department shall be required for waste stabilization lagoons, waste storage basins, or similar structures which are used solely for wastewater treatment or disposal. A permit authorizing withdrawals of water from an artificial reservoir formed by an officially designated grade stabilization structure which was constructed with federal, state, or local cost-sharing funds shall not be granted unless the person applying for such a permit provides written approval for such withdrawals from the soil conservation district in which the structure is located.

**\*567—51.3(455B) Diversion from surface into aquifer.** A permit is required for diversion of water or any other material from the surface directly into any aquifer, including diversion by means of an agricultural drainage well. Diversion by tile or ditch into a sinkhole or quarry excavated in carbonate rock is presumed to be a diversion from the surface directly into an aquifer in the absence of convincing evidence to the contrary.

**567—51.4(455B) Drain tile lines.** Water in drain tile lines shall be considered surface water.

**567—51.5(455B) Closed cooling systems.** A permit shall not be granted for the withdrawal of groundwater for use solely as a coolant in a closed system without returning such groundwater to the aquifer from which it came unless applicant demonstrates compelling reasons for not returning the water.

**567—51.6(455B) Miscellaneous uses.** Unless otherwise provided herein, a permit shall be required for the use of more than 25,000 gallons of water per day for any purpose.

**51.6(1) Poultry, livestock, and domestic animals.** Any use of water over 25,000 gallons per day for these purposes is an extraordinary use and a permit shall be required.

**51.6(2) Drainage at construction sites.** Withdrawals of water to lower the water table as necessary at a construction site shall be exempt from securing a permit except when such withdrawals cause or can reasonably be expected to cause material damage to public or private interests. After an investigation of those withdrawals allegedly causing material damage, the department shall require prompt appropriate action for the alleviation of damages. Where agreement cannot be reached on the action necessary for the alleviation of damages, withdrawals of water shall cease immediately upon notification by the department and an application for a permit shall be submitted.

\*At its meeting held February 9, 1998, the Administrative Rules Review Committee delayed the effective date of February 18, 1998, until the adjournment of the 1998 Session of the General Assembly.

**51.6(3) *Test pumping.*** The department may authorize by registration test pumping of sources of water to determine adequacy of the source and effects of such withdrawals and may require applicant to acquire technical assistance of the geological survey bureau of the department or other appropriate sources of such assistance so as to maintain supervision of the testing as deemed necessary by the department. No such registration for test pumping shall be for a period of more than one year. A registration must be obtained from the department for any pumping test in which more than 25,000 gallons of water will be withdrawn in a period of 24 or less hours. A request for issuance of a registration need not be in writing if the contractor or responsible landowner accurately describes the location of the test, the aquifer to be pumped, and the planned test duration and pumping rate in an oral request.

**51.6(4) *Rural water districts.*** A permit shall be required for withdrawals of water by any rural water district having its own source of water and withdrawals shall be classified as a use by community public water supply.

**51.6(5) *Nonrecurring minor uses.*** Any use of water which is a minor, nonrecurring use, including but not limited to highway construction and maintenance, charging of lagoons, drilling wells, and hydrostatic testing of pipelines, shall not require a permit but rather may be registered with the department on such forms as the department shall provide. Such registration shall be for up to one year and may be reregistered at the discretion of the department should the project require more than one year to complete. After an investigation of those withdrawals allegedly causing material damage, the department shall require prompt, appropriate action for the alleviation of damages. Where agreement cannot be reached on the action necessary for the alleviation of damages, withdrawals of water shall cease immediately upon notification by the department and an application for a permit shall be submitted.

**51.6(6) *Research contracts.*** The withdrawal of water for research purposes by the geological survey bureau of the department (GSB) through its agents, employees, or contractees may be authorized by registration in aquifers approved by the department and under such conditions as the department may set. Such registration shall be for periods of up to one year and may be reregistered at the discretion of the department should the research require more than one year to complete. The withdrawal of water pursuant to such registration shall be conducted under the direct supervision of the GSB and its employees and according to a schedule adopted by or approved by GSB. The GSB shall contract with each individual who is cooperating in the research. Such contract shall delineate the responsibilities of each party to the research. A copy of each such contract shall be filed with the department. The violation of any provision of said contract by any party thereto shall be grounds for the department to revoke the registration of that contractee. If withdrawal of water pursuant to this registration results in serious adverse effects on the aquifer or on any other water user, the department shall revoke the registration as it applies to the particular research site causing such serious adverse effect.

**567—51.7(455B) *Excavation and processing of rock and gravel products.*** A water permit is required for withdrawal of more than 25,000 gallons of surface or groundwater in one day for dewatering, washing, plugging, or use of a hydraulic dredge in connection with removal or processing of rock or gravel products. This permit requirement is subject to the following exceptions:

1. A permit is not required for operation of a hydraulic dredge which returns all water used as a transport medium directly back into the pit from which it is withdrawn by the dredge;
2. A permit is not required for withdrawal of water from a gravel pit or rock quarry sump pit for material washing if the wash water is discharged directly back into the pit from which it is withdrawn.

**567—51.8(159) Agricultural drainage wells.** All agricultural drainage wells must be registered by the owner with the department by September 30, 1988, on the form provided by the department. Registration of an agricultural drainage well is not considered a permit as required under rule 51.3(455B).

These rules are intended to implement Iowa Code sections 159.29, 455B.262, 455B.264 to 455B.274, 455B.278, and 455E.11.

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\*See Delays, IAB 6/28/78, p.194.

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\*\*\*At its meeting held 2/9/98, the Administrative Rules Review Committee delayed 51.3 until the adjournment of the 1998 Session of the General Assembly.